IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL
Writ Petition No. 400 of 2004(S/S)

Pratap Singh Ari
S/o Late Sri Kushal Singh Ari
R/o Mehera Gaon
Post Officer Mehara Gaon
District Nainital ….. Petitioner

Versus

1. State of Uttaranchal
through its Secretary Dehradun, Uttaranchal

2. Kumaon Jal Sansthan Nainital Uttaranchal
through its General Manager

3. The Executive Engineer,
Kumaon Jal Sansthan, Nainital,
Uttaranchal …. Respondents

Sri H.C. Pathak and Yogesh Pandey, learned counsel for the petitioner.
Sri Harendra Belwal, Brief Holder for the State.

Hon'ble B.C. Kandpal, J.

By way of this writ petition, the petitioner has prayed for a writ in the nature of mandamus directing the respondents to grant selection grade after completion of 8 years of continuous service and thereafter 14 years of service. The petitioner be granted the 1st promotional pay scale and thereafter, at the completion of 19 years, the petitioner be given selection grade in respect of the 1st promotional pay scale and thereafter at the completion of 24 years of service, he should be given second promotional pay scale with all the consequential benefits.

Brief facts giving rise to this writ petition are that the petitioner was appointed in Local Self Govt. Deptt. in November, 1972 in daily wages and after completing a considerable period of service in daily wages on the post of Chowkidar / Fitter, the services of the petitioner were

regularized retrospectively from the date 01.11.1979 by the order dated 01.05.1980 passed by the Executive Engineer Kumaon Jal Sansthan, Nainital.

The petitioner is continuously working as Beldar / Fitter to the satisfaction of the Superior Officers. As per the petition, the Government has passed a G.O. regarding the selection grade to be provided to the employees whose pay scale was maximum to 10,500/-. This G.O. dated 02.12.2000 has already been filed alongwith the writ petition as annexure-2. The petitioner has also averred in the writ petition that he has put in service in 24 years, hence, entitled for selection grade in accordance with the G.O. dated 02.12.2002.

It has been averred in the writ petition that the respondent had granted the benefits of selection grade in accordance with the said G.O. dated 02.12.2000 to a employee namely Kishan Ram (Beldar) who is junior to the petitioner vide order dated 28.11.2002.

The petitioner thereafter prayed to the authority concerned for giving the selection grade to him but nothing has been done so far in his case. The petitioner thereafter, gave representation to the respondents but the respondents have done nothing. Hence this writ petition.

Heard learned counsel for the parties and perused the record.

The petitioner has also filed the G.O. No.- 2454/उन्तीस /04-2-(35अधि0)/2002 dated 31.01.2005 which pertains to the facility of the promotional pay scale to be provided to the regular employees of Uttaranchal Jal Sansthan.

Learned counsel for the petitioner has also submitted that the petitioner has given the representation on 03.02.2004 but that still has not been decided.

I, therefore, direct the respondent no. 3 to decide the representation of the petitioner dated 03.02.2004 in the light of

the recent Government Orders which have been referred in my judgment within a period of 30 days after receipt of the certified copy of the judgment.

With these observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

16th June, 2005
Shiv